

Board of Selectmen's Meeting Minutes
August 18, 2011
Harpswell Town Office
Approved on September 1, 2011

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Selectmen Present: Elinor Multer, James S. Henderson and Alison S. Hawkes

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Gina Perow, Recreation Director

The meeting was videotaped and broadcast live on Harpswell Community Television.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00 p.m.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Henderson to adopt the agenda as amended by adding a discussion on how to proceed with Solid Waste under item 16; motion passed 3-0.

2. Public Comment: Don Miskell stated that the Department of Transportation undertook a project to repair the pothole area by the Orr's Island Picnic Area and he appreciated any pressure the Town applied.

3. Town Administrator's Report: Administrator Eiane reported the Fire & Rescue Committee's, mission statement, specific to strategic planning, calls for a report to be provided to the Board by September 1. The Committee requests an extension to the end of September. It has met regularly and investigated several emergency services options with other municipalities and entities and needs more time to develop its recommendations. The Board agreed to extend the date to October 10. Administrator Eiane reported that in an attempt to get the Marine Patrol into an appropriate boat, the renting of a boat was explored but proved it to be very costly. It was also determined that the Marine Patrol radio must be installed in whatever boat is being used. Administrator Eiane recommended that for the short term, the Harbormaster transport the Marine Patrol 1-2 days a week and the radio be installed in this Town boat. For the long term, Administrator Eiane recommended forming a Task Force to review the Town's three boats and the specific needs of the Town which should include 3-5 members, including Deputy Bradbury and David Mercier, Harpswell Neck Fire Chief and former State Dept. of Marine Resources Warden. Administrator Eiane will draft a proposed mission statement for consideration the next meeting. Selectman Henderson stated the issue of the location of the boat needs to be considered as to docking it, storing it on a trailer or having multiple sites and boats. Administrator Eiane noted that the notice of the September 15 public hearing regarding street lights has been posted on each potentially affected street light pole. Administrator Eiane announced the 2011 tax bills have been mailed and while there is an error in the heading on the bill as 2012 tax bill, the payment dates are correct. Administrator Eiane announced the polls will be opened on August 23 from 9:00 a.m. to 8:00 p.m. at the three traditional sites. She encouraged everyone to come out and vote on whether to accept the West Harpswell School and property. Administrator Eiane stated the Welcome to Harpswell signs have been installed at each Town line and while there are minor adjustments coming, the signs have been well received.

4. Selectmen's Announcements: Selectman Henderson stated the Board held a workshop with the Recycling Center/Transfer Station Manager, Fred Cantu, today regarding the single stream method of recycling. Implementation of such a program would be a change in process and the Board has requested more information. Selectman Henderson encouraged interested members of the public to join the Town's Solid Waste Committee. Chairman Multer announced there was recent vandalism at the West Harpswell School, which has been cleaned by MSAD 75, the current owners. Chairman Multer encouraged the public to keep a watchful eye on the property, particularly considering the Town may soon own it.

5. Consent Agenda: 1) Approval of the Minutes; 2) Election Ballot Clerk Appointment; and 3) Alcohol Renewal License Application for Log Cabin, 5 Log Cabin Lane, Map 24, Lot 30: The minutes were removed from the consent agenda. Chairman Multer moved, seconded by Selectman Henderson to approve the consent agenda (items 2 and 3); motion passed 3-0. Selectman Henderson suggested adding language to item 2

in the August 4 minutes that Chairman Multer suggested seeking input from the Marine Resources Committee regarding the land acquisition idea. Selectman Henderson moved, seconded by Chairman Multer to approve the August 2 and 4 minutes; motion passed 3-0.

6. Consider Use of Funds From Special Revenue Fund For Recreation: Gina Perow, Recreation Director, stated that due to several factors that Don Miskell will explain, she is requesting \$2,656 from the Special Revenue Fund for Recreation to cover the pool rental and Red Cross bills for the summer swim program. Mr. Miskell explained that additional staff had to be hired as a result of (1) the high number of 4-year olds enrolled in the program and the requirement that there be one adult per one 4-year old and (2) the absence of regular volunteers because of the July 4 holiday. Additionally, some volunteers have become paid staff and the swimming and diving devices had to be replaced this year. Mr. Miskell explained the different levels of staffing and volunteer assistance and the training requirements. Chairman Multer moved, seconded by Selectman Hawkes to approve use of funds from the Special Revenue Fund; motion passed 3-0.

7. Requests for Bids for the Backhoe Bucket: Administrator Eiane stated the Recycling Center Manager had previously sent the backhoe bucket out to bid requiring a \$3,000 minimum bid and no bids were received. The Manager now recommends sending out requests for bids with a \$1,000 minimum bid. Selectman Henderson noted this item is excess and not needed by the Town. Chairman Multer moved, seconded by Selectman Henderson to approve the requests for bids with a \$1,000 minimum response; motion passed 3-0.

8. Status of Hildreth Road Public Access from "Gravel Pit" Road: Administrator Eiane stated that staff has worked on this issue for several months and thought a resolution was close after an on-site meeting with the abutter on July 1. In follow up of that meeting, the Selectmen sent a Letter of Agreement on July 7 and have not received a response. The Board directed the Administrator to send a follow up letter on August 8 and to date, there has still been no response. Selectman Hawkes stated that shellfish harvesters are concerned as they cannot use the site due to the recent road damage and they need action to continue their livelihoods. Chairman Multer stated she spoke with the abutter and Chairman Multer is hopeful a response will be coming soon. Chairman Multer suggested another follow-up letter be sent requesting a response within 8 days. Selectman Hawkes asked if the Town could repair the damage to allow vehicle and trailer access down the road. Administrator Eiane responded that the Town has in the past but since the Town does not own the fee interest in the road, the Attorney recommends researching and documenting historical maintenance information to assure the Town's right to continue maintenance. The Board agreed staff should begin the necessary research. Chairman Multer moved, seconded by Selectman Henderson to send a follow-up letter to the abutter; motion passed 3-0.

9. Cedar Beach Update from the Friends of Cedar Beach: Mary Ann Nahf, Co-Chair of Friends of Cedar Beach (FCB), provided an update on the Cedar Beach Project (statement attached). Selectmen Henderson asked questions regarding path location and Robinhood Road (from Fathom Lane to Cedar Beach Road) ownership issues. Chairman Multer suggested a workshop with the Friends would be helpful. Chairman Multer moved, seconded by Selectman Henderson to send FCB a thank you letter for its efforts and to invite its members to a workshop with the Board; motion passed 3-0.

10. Consider Requests for Proposals Disposition of Material at Mitchell Field: Administrator Eiane stated the Board previously approved staff sending a request for proposals for the removal of the contents of the Generator Building at Mitchell Field. After further investigation, staff recommends sending out the request for proposals with a minimum bid of \$10,000 based on the analysis of the material value. Chairman Multer suggested an addition to item 7 of the proposal and Selectman Hawkes suggested reinforcing the vendor's responsibility to secure the area and maintain the public's safety around the area during the project. The Board voted 3-0 to approve the request for proposals.

11. Consider Policy Amendments

- **Public Participation:** C. Matthew Rich stated he previously commented on this policy and that he finds it to be fair and that the recent criticism from the Forecaster was unwarranted. Louise Huntington stated the privilege to speak to the Board and on television should not be abused and speakers need to be prepared and not speak endlessly. Chairman Multer stated that since the Board just received Maine Municipal Association's legal opinion regarding whether parts of the policy are unconstitutional, this matter should be delayed until the next meeting. Selectman Henderson reviewed the areas he would suggest amending. Selectman Hawkes stated the "Please Note" section is the most important one to her to retain.
- **Purchasing:** Chairman Multer suggested removing "or affiliated activity." and moved, seconded by Selectman Henderson to accept the policy as amended; motion passed 3-0. (Attached).
- **Competitive Bid:** Chairman Multer moved, seconded by Selectman Hawkes to approve the policy as amended. There was a discussion regarding the meaning of item 2. The motion passed 3-0.

12. Consider Permitting or Banning Sale or Use of Fireworks: Chairman Multer stated that the State of Maine has lifted the ban on fireworks and that the sale/ignition of them can be allowed or prohibited in each municipality by ordinance. Chairman Multer suggested placing the law on the Town's website to solicit input from the public as to whether the Board should consider an ordinance.

13. Other Business: There was none.

14. Public Comment: C. Matthew Rich made several comments on the proposed Wharf Application Process handout and the Board requested he submit his comments in writing.

15. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Henderson to approve warrant 45 in the amount of \$618,797.68 (540,990.50 to MSAD 75); motion passed 3-0. Payroll warrant #33 for \$14,106.45 was noted for the record.

16. Administrative Matters: Administrator Eiane reported the Wharf Application Process handout that Mr. Rich referred to represents the Town Attorney's suggested amendments to the Town's proposal from about a month ago; in response to a comment the Board heard at the last meeting, Administrator Eiane handed out a proposed amendment to the Wharves and Weir's Notice of Decision that would allow the Planner to review de minimus changes to an approved system and the Board suggested using the word "minor" in place of de minimum and requested examples of minor changes; Administrator Eiane reported the Attorney suggested that "interested parties" in the Wharves and Weirs Statute may include the applicant and anyone that participated in the Board's process; the Board agreed to have smart meters installed on Town properties; Selectman Henderson inquired if the new Federal Emergency Management Insurance Rate Maps have been completed since he just recently experienced an issue with his homeowner's insurance and staff confirmed no changes have been made; the action list was reviewed; the Board agreed to seek additional information from the Recycling Center Manager regarding single stream and then decide if another workshop is necessary; the Board moved the September 1 workshop with the Conservation Commission to September 15 at 4:30 p.m.

17. Adjournment: The meeting adjourned by unanimous vote at 8:12 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Purchasing and Competitive Bid Policies
Friends of Cedar Beach Statement

[Attachments are available at the Town Clerk's Office or by email at harpwell@town.harpwell.me.us]